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Joshua M. Kimura (SBN: 267360)  
Douglas C. Stastny (SBN: 269470)  
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[jkimura@klw-law.com](mailto:jkimura@klw-law.com)  
[dstastny@klw-law.com](mailto:dstastny@klw-law.com)

Attorneys for Claimants  
First 100, LLC; 1<sup>st</sup> One Hundred Holdings LLC;  
and Battle Born Investments Company, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

APPROXIMATELY 69,379 BITCOIN (BTC),  
BITGOLD (BTG), BITCOIN SV (BSV), AND  
BITCOIN CASH (BCH) seized  
from 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8  
Hbhx

DEFENDANTS.

FIRST 100, LLC, 1ST ONE HUNDRED  
HOLDINGS, LLC, AND BATTLE BORN  
INVESTMENTS COMPANY, LLC,

CLAIMANTS.

Case No.: 3:20-CV-07811-RS

**DECLARATION OF DARRELL P.  
WHITE IN SUPPORT OF CLAIMANTS  
FIRST 100, LLC, ONE HUNDRED  
HOLDINGS LLC, AND BATTLE BORN  
INVESTMENTS COMPANY, LLC'S EX  
PARTE APPLICATION TO CONTINUE  
CLAIMANTS' MOTION TO STAY  
ENFORCEMENT OF THE JUDGMENT  
FROM JANUARY 9, 2025, TO  
FEBRUARY 7, 2025, TO ALLOW NEW  
COUNSEL TO FAMILIARIZE ITSELF  
AND COMPLY WITH THE COURT'S  
ORDER DATED NOVEMBER 26, 2024**

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DECLARATION OF DARRELL P. WHITE

I, Darrell P. White, declare as follows:

1. I am a founding partner and attorney with the law firm KIMURA LONDON & WHITE, LLP, counsel of record for Claimants First 100, LLC, 1st One Hundred Holdings LLC, and Battle Born Investments Company, LLC (collectively “Claimants”) in this action. I am a member in good standing of the State Bar of California and admitted to the United States District Court, Northern District of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath. I submit this declaration in support of Claimants’ Ex Parte Application to Continue Claimants Motion to Stay Enforcement of the Judgment.

2. This matter involves over four years of litigation, including appeals to both the Ninth Circuit and petitions of writ of certiorari to the United States Supreme Court. The amount of information in the client’s file, past pleadings and briefings is voluminous, however, is all critical and needs to be analyzed to provide adequate counsel to Battle Born. Counsel is working rapidly, through the holiday season and limited business days, to get up to speed, and needs more time.


3. On November 27, 2024, knowing that our office was in the process of being retained by Claimants, I requested that counsel for the United States Government stipulation to a brief thirty (30) to forty-five (45) day continuance for filing the Reply brief and hearing, to allow our office to familiarize ourselves with the file. Specifically, I spoke with AUSA David Countryman. He refused this request and only offered a one-week extension or that Claimants withdraw their motion. A true and correct copy of the email exchange with AUSA David Countryman is attached hereto as Exhibit 1.

4. After formally appearing in this action, and after Battle Born’s prior counsel timely filed a Reply brief, on December 4, 2024, I once again met and conferred with AUSA Countryman regarding a 30-45 day extension of time on the stay motion hearing date. He again, declined. I provided verbal and written notice of our intent to seek ex parte relief from the Court at that time. *See*, Ex. 1.

///

1 I declare under penalty of perjury under the laws of the State of California that the foregoing  
2 is true and correct.

3 Executed on this 4<sup>th</sup> day of December 2024 at Irvine, California.

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8 Darrell P. White, Esq.  
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# EXHIBIT 1



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**RE: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born**

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**From** Countryman, David (USACAN) <David.Countryman@usdoj.gov>

**Date** Wed 12/4/2024 10:39 AM

**To** Darrell White <dwhite@klw-law.com>

**Cc** Joshua Kimura <jkimura@klw-law.com>; Douglas Stastny <dstastny@klw-law.com>; Genesis Salazar <gsalazar@klw-law.com>

Mr. White,

Thank you for your call. I would like to note that during our call I attempted to meet and confer regarding the Court's November 26 Order, which was my third attempt to do so.

I would also like to suggest that if your client were willing to (1) agree to the Court's suggestion in its Order or post a bond, as contemplated by Rule 62; (2) agree that the government is not conceding any issue, including but not limited to, standing, res judicata, or law of the case; and (3) agree not to use the government's agreement to a stay against it (as was done in the motion to stay Motion 9:22-10:3), I believe we could probably come to an agreement.

Sincerely,

David Countryman  
Assistant U.S. Attorney  
Northern District of California  
450 Golden Gate Ave., 9th Floor  
San Francisco, CA 94102  
(415) 436-7303 voice  
(415) 436-7234 fax

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**From:** Darrell White <dwhite@klw-law.com>

**Sent:** Wednesday, December 4, 2024 10:05 AM

**To:** Countryman, David (USACAN) <dcountryman@usa.doj.gov>

**Cc:** Joshua Kimura <jkimura@klw-law.com>; Douglas Stastny <dstastny@klw-law.com>; Genesis Salazar <gsalazar@klw-law.com>

**Subject:** [EXTERNAL] RE: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born

Mr. Countryman,

Thank you for taking my call. Per our call, I asked you to reconsider your position and agree to a 30-45 day continuance of the hearing currently set for January 9, 2025. We have four years of litigation (including appellate briefing) to get up to speed on, we are running into the holidays, and my office has an ethical obligation to the clients to be fully up to speed before advising on the Court's November 26 Order. You denied my request. We will file an ex parte request to the Court to continue the hearing.

Best,



Darrell P. White  
Kimura London & White LLP

**NEW ADDRESS:**

**17631 Fitch, Irvine, CA 92614**

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E [dwhite@klw-law.com](mailto:dwhite@klw-law.com) | W [www.klw-law.com](http://www.klw-law.com)

LinkedIn: [www.linkedin.com/in/dwhitesq](https://www.linkedin.com/in/dwhitesq)

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---

**From:** Darrell White

**Sent:** Monday, December 2, 2024 11:34 AM

**To:** Countryman, David (USACAN) <[David.Countryman@usdoj.gov](mailto:David.Countryman@usdoj.gov)>; [rrosenstein@kslaw.com](mailto:rrosenstein@kslaw.com)

**Cc:** Joshua Kimura <[jkimura@klw-law.com](mailto:jkimura@klw-law.com)>; Douglas Stastny <[dstastny@klw-law.com](mailto:dstastny@klw-law.com)>; Genesis Salazar <[gshalazar@klw-law.com](mailto:gshalazar@klw-law.com)>

**Subject:** RE: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born

Mr. Countryman,

My firm is in the process of substituting into the case, today. We still need more time to get up to speed in this case and meaningfully discuss the Court's November 26 Order, but we will be the firm handling that going forward.



Darrell P. White  
Kimura London & White LLP

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LinkedIn: [www.linkedin.com/in/dwhitesq](https://www.linkedin.com/in/dwhitesq)

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**From:** Countryman, David (USACAN) <[David.Countryman@usdoj.gov](mailto:David.Countryman@usdoj.gov)>  
**Sent:** Monday, December 2, 2024 11:28 AM  
**To:** [rrosenstein@kslaw.com](mailto:rrosenstein@kslaw.com); Darrell White <[dwhite@klw-law.com](mailto:dwhite@klw-law.com)>  
**Subject:** FW: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born  
**Importance:** High

Mr. Rosenstein and Mr. White,

Per Mr. White's emails (attached), Mr. White indicated that Kimura London and White would be filing a motion for substitution of attorney in this case. Mr. White also indicated that he was not then in a position to meet and confer on the Court's November 26 Order (see email below). For further discussions in this case, such as the outstanding November 26 Order, which firm will be handling discussions?

Thanks,

David Countryman  
Assistant U.S. Attorney  
Northern District of California  
450 Golden Gate Ave., 9th Floor  
San Francisco, CA 94102  
(415) 436-7303 voice  
(415) 436-7234 fax

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**From:** Darrell White <[dwhite@klw-law.com](mailto:dwhite@klw-law.com)>  
**Sent:** Wednesday, November 27, 2024 12:41 PM  
**To:** Countryman, David (USACAN) <[dcountryman@usa.doj.gov](mailto:dcountryman@usa.doj.gov)>  
**Cc:** Joshua Kimura <[jkimura@klw-law.com](mailto:jkimura@klw-law.com)>; Genesis Salazar <[gsalazar@klw-law.com](mailto:gsalazar@klw-law.com)>  
**Subject:** [EXTERNAL] RE: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born  
**Importance:** High

Mr. Countryman,

I sincerely appreciate you returning my call while you were out of the office on vacation. Per our call, I am not in a position to meet and confer on the Court's November 26 Order, today. Your response to my requested extension was either a one-week extension or to withdraw the stay motion. One week is not

sufficient time for my office to get up to speed on four years of litigation, and I am not authorized to withdraw the motion. I ask you reconsider and agree to a 30-45 day extension of time as originally requested. Feel free to call me if you would like to discuss further: (949)300-5013.

Thank you,



Darrell P. White  
Kimura London & White LLP

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LinkedIn: [www.linkedin.com/in/dwhitesq](http://www.linkedin.com/in/dwhitesq)

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---

**From:** Darrell White

**Sent:** Wednesday, November 27, 2024 11:43 AM

**To:** [Gregg.Lowder@usdoj.gov](mailto:Gregg.Lowder@usdoj.gov); [Donovan.McKendrick@usdoj.gov](mailto:Donovan.McKendrick@usdoj.gov); [Dan.Pastor@usdoj.gov](mailto:Dan.Pastor@usdoj.gov)

**Cc:** [david.countryman@usdoj.gov](mailto:david.countryman@usdoj.gov); Joshua Kimura <[jkimura@klw-law.com](mailto:jkimura@klw-law.com)>; Genesis Salazar <[gshalazar@klw-law.com](mailto:gshalazar@klw-law.com)>

**Subject:** FW: USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born

**Importance:** High

Messrs. Lowder, McKendrick, and Pastor,

I received Mr. Countryman's out of office e-mail. Therein, he referred me to you. I would greatly appreciate your immediate review and reply to my e-mail below.

Best,

Darrell White



Darrell P. White  
Kimura London & White LLP

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**From:** Darrell White

**Sent:** Wednesday, November 27, 2024 11:35 AM

**To:** [david.countryman@usdoj.gov](mailto:david.countryman@usdoj.gov)

**Cc:** Joshua Kimura <[jkimura@klw-law.com](mailto:jkimura@klw-law.com)>; Genesis Salazar <[gsalazar@klw-law.com](mailto:gsalazar@klw-law.com)>

**Subject:** USA v Approximately 69,370 Bitcoin (BTC) et al, Case No. 20-cv-07811-RS, Battle Born

**Importance:** High

Mr. Countryman,

I hope this e-mail finds you well. I just left a voice mail at your office. Battle Born Investments Company, LLC, First 100, LLC, and 1<sup>st</sup> One Hundred Holdings, LLC, retained this office in connection with the above-referenced matter. We are working on a substitution of attorney as we speak and anticipate filing it with the Court as soon as possible. I am informed that there is a pending stay motion set for hearing on January 9, 2025. I believe a Reply brief is due on Friday, November 29, 2024. Since my office was just retained, I need some time to get up to speed on this matter, and assess the Court's Order from November 26, regarding potential stipulations. I would appreciate a 30 to 45-day extension of time on both the Reply and hearing in connection with the stay motion. Please call me on my cell as soon as possible to discuss: (949)300-5013.

Best,

Darrell White



Darrell P. White

Kimura London & White LLP

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